

REMARKS

Claims 46-81 are pending in the application.

Claims 46-81 have been rejected.

Claims 64-75 have been canceled, without prejudice. Reconsideration of the remaining claims is respectfully requested in view of the following remarks.

I. **DOUBLE PATENTING REJECTION**

Claims 43-63 and 76-78 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of US Patent No. 6,721,410.

Applicant will submit a proper and timely terminal disclaimer to overcome this rejection in the event this rejection is the only remaining outstanding rejection of these claims.

II. **REJECTION UNDER 35 U.S.C. § 102**

Claims 46, 47, 51-55, 59-69 and 71-81 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chater (US Patent No. 5,598,351). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

With respect to independent Claims 46 and 76, the Office Action argues that Chater discloses (1) identifying one person that is likely to be interesting and (2) retrieving information about one or more additional individuals from an electronic memory means associated with that one person (see, Office Action page 3, citing Figure 3, the store 32, and the passage at Col. 3, lines 43-54). For ease of reference, the cited passage from Chater is set forth below:

Referring now to FIG. 3, the booth occupant presses a "transmit" button and his/her video recording and selected still frame are sent to the central store 32 and retained therein until the payment/timer system 20 switches off. The central store 32 sorts the still frames in its memory according to original terminal station and transmits each frame to opposite-sex booths at neighbouring stations. Alternatively or in addition the booth occupant may specify stations to which he/she does or does not wish the frame to be sent.

If the store has sufficient installed capacity the system can also allow the video to be sent to the store and retained there, enabling faster access and review by opposite-sex terminals. Chater, Col. 3, lines 43-54.

Nothing in this passage of Chater discloses or describes retrieving information (via a communications link) about one or more other/additional individuals from an electronic memory means associated with the person that was determined likely to be interesting. Chater merely describes that when a requesting person (first person) at a remote station determines that another person (second person) is interesting (based on viewing still frames of a video recording of the other person), the system delivers the full video recording of the other person (second person) to the requesting person (first person). If the first person finds the second person no longer interesting, the first person looks at other still frames of other persons. Chater, Col. 3, line 64 through Col. 4, line 28. However, the retrieval of this information about the other persons is not from an electronic memory means associated with the second person (previously found to be interesting), as this is described in the Applicant's specification.

With respect to independent Claims 46 and 76, Applicant's invention retrieves information about one or more additional individuals from memory associated with a second individual. Applicant's specification discloses:

. . . Each user in the system 100 has a personal directory 20 containing the names of other people with collaborative conferencing capability.

Unlike conventional methods of matchmaking in a chat room context, user A does not rely on a computer program to pick interesting person for him or her. Instead, user A relies on user B's personal directory 20 as a starting point to find more interesting persons. User A accesses some of the information contained in directory 20 about others users with collaborative conferencing capability, with whom user B communicates. This technique is called recursive identification of

individuals. The information that user A can access is limited according to permissions assigned to each record in the directory by user B . . .

Specification, page 9, lines 1-11. The cited portions of Chater fail to describe an additional or other person (third person) involved who is associated with the other person (second person), and retrieving information about the additional person (third person) from an electronic memory associated with the other person (second person).

Therefore, Chater fails to disclose each and every element of Applicant's independent Claim 46 (and dependent Claims 47-63) and independent Claim 76 (and dependent Claims 77-78).

Similarly, the Office Action argues that Chater discloses a server for sending to the first user information about one or more additional individuals from memory associated with a second user. (See, Page 4, citing Figure 3 and store 32). For the same or similar reasons set forth above, Chater fails to disclose each and every element of Applicant's independent Claim 79 (and dependent Claims 80-81).

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of Claims 46, 47, 51-55, 59-63 and 76-81 (Claims 64-75 have been canceled).

III. REJECTIONS UNDER 35 U.S.C. § 103

Claims 48, 49, 56 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chater (US Patent No. 5,598,351) in view of Leipow (US Patent No. 6,148,067). Claims 50, 58 and 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chater (US Patent No. 5,598,351), Leipow (US Patent No. 6,148,067), and further in view of Herz (US Patent No. 6,029,195). The rejections are respectfully traversed.

For the same reasons as stated above, Chater does not disclose, teach or suggest those features of Applicant's independent Claims 46 and 64, as noted above. Therefore, the Office Action has failed to establish a prima facie case of obviousness with respect to dependent Claims 48, 49, 50, 56, 57 and 58.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 48, 49, 50, 56, 57, 58 (Claim 70 has been canceled).

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

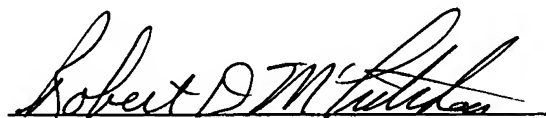
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.

Date: 4/28/2008



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: rmccutcheon@munckbutrus.com